S.B. Criminal Leave to Appeal No.325/2006

Date of Order : 30.11.2006.

HON'BLE MR. JUSTICE SATYA PRAKASH PATHAK

Mr. Vishnu Kachhawaha, Public Prosecutor.

This criminal leave to appeal under Section 378(iii) & (i) Cr.P.C. has been filed by the State against the judgment and order of acquittal dated 12.09.2006 passed by the learned Special Judge, NDPS Cases, Sri Ganganagar in Criminal Case No.4/05, whereby the accused respondent has been acquitted of the charge under Section 8/18 of the NDPS Act.

Heard learned Public Prosecutor and carefully gone through the material available on record.

Taking into consideration all the facts and circumstances of the case and on the perusal of the impugned judgment of the acquittal passed by the learned trial court, I find it to be a fit case to grant leave to appeal.

Accordingly, the leave to appeal is granted. The memo of leave to appeal be treated as memo of appeal. Bailable warrant in the sum of Rs.5,000/- be issued against accused-respondent Pawan Kumar alias Bittu Gora s/o Kashmirilal Arora for his appearance before this court on 8th January, 2007 and as & when called upon to do so.

Call for the record.

(SATYA PRAKASH PATHAK), J.

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